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RUEHGV/USMISSION GENEVA PRIORITY 1274  
RUEKJCS/SECDEF WASHDC PRIORITY  
RUCNDT/USMISSION USUN NEW YORK PRIORITY 2081  
RHEFDIA/DIA WASHDC PRIORITY  
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C O N F I D E N T I A L KATHMANDU 003013

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TAGS: [PGOV](#) [PREL](#) [PTER](#) [MARR](#) [NP](#)  
SUBJECT: GOVERNMENT AND MAOISTS SIGN PEACE DEAL: WHERE'S  
THE BEEF?

Classified By: Ambassador James F. Moriarty. Reasons 1.4 (b/d).

#### Summary And Introduction

¶1. (C) Following two days of marathon talks and weeks of anticipation, the Seven-Party Alliance and the Maoists signed a package agreement in the early morning hours of November 8th (full text below). While punting many vital implementation details to a November 16 "comprehensive peace agreement," the deal included broad strokes of an accord and target dates for the resolution of key issues such as arms management, the interim parliament and government, the fate of the monarchy, and the Constituent Assembly. According to the deal's ambitious timeline, the Communist Party of Nepal (Maoist) is supposed to join the interim government by December 1.

#### On Arms Management And Security Sector Reform

¶2. (U) The six-page agreement states that the Maoist People's Liberation Army (PLA) will be confined to cantonments by November 21st. After the combatants are confined, all Maoist arms and ammunition - except those needed for the security of the camps - will be stored and locked with a single padlock. The Communist Party of Nepal (Maoist) will retain the key. The United Nations will install a monitoring device and alarm at each storage site and will conduct regular inspections. Arrangements regarding cameras will be worked out later. Seven primary cantonments will be placed in districts around the country, with each primary site surrounded by three smaller cantonments (28 cantonment sites in total). The interim cabinet will establish a special committee to coordinate the "rehabilitation" of Maoist combatants. In parallel, the Nepal Army (NA) will be required to lock up the same number of weapons as the PLA and remain confined to their barracks. The NA will hold the key and their storage sites will be under similar UN monitoring mechanisms. The agreement also mandates that the interim government and legislature formulate and implement a plan to democratize the army and fix its numbers.

On The Interim Parliament, Interim Government, The Monarchy,

## And Constituent Assembly Elections

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¶3. (U) The SPA and Maoists decided on the formation of an interim legislature on November 26 (following PLA entry into cantonment sites) and an interim government by December 1. According to the agreement, the first meeting of the constituent assembly would decide the fate of the monarchy and elections to the Constituent Assembly would be held by mid-June 2007. Although the Communist Party of Nepal-United Marxist Leninist (CPN-UML) joined its Seven-Party Alliance (SPA) colleagues in signing the peace deal, the CPN-UML issued a formal note of dissent indicating that it favored a referendum on the monarchy. It also stressed that CPN-UML wanted a pure proportional system adopted for constituent assembly elections, not the agreed-on mixed system with half the seats decided by first-past-the post.

### Where Are The Details?

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¶4. (C) Some details such as the number of members and breakdown in the interim parliament (330 total, 73 from CPN-M) and who will have the right to vote in the constituent assembly elections were spelled out, but other key issues were not. The agreement says, for instance, that local government institutions will be decided through a political decision later. As well, the agreement specifies that Maoist "combatants" will be confined to cantonments, but does not specifically mention the Maoist militias, which have been responsible for most of the violations of the cease-fire thus far. Furthermore, the agreement mentions that law and order will be enforced throughout the country, but, as in previous agreements between the Maoists and the GON, there are no specific mechanisms for handling disputes or for punishing

those who violate the agreements. SPA members told Emboffs November 8 that the Maoists were resisting all efforts to specify the penalties for violations.

### Politicos Disagree On The Effectiveness Of The Agreement

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¶5. (C) Narayan Khadka, Committee Member of the Nepali Congress-Democratic (NC-D), complained to Emboff that there were no effective monitoring or implementation mechanisms in the agreement, and worried that this could lead to further Maoist abuses. Khadka also expressed concern that there was nothing to keep the Maoists and the Civil Society members of the interim legislature from "ganging up" on the democratic parties and forcing them out of the leadership of the government. When Khadka brought his concerns to the Prime Minister in a meeting in the morning of November 8, the PM told him that the parties must "stay united in order to overcome the difficulties posed by the agreement." Khadka told Emboff that the PM did not seem happy about what the agreement had achieved. Anil Jha, Joint General Secretary of the Nepal Sadbhavana Party-Ananda Devi (NSP-A), told Emboff that he was not happy with the agreement because the communists (Maoists along with the CPN-UML) would now have a majority in the interim legislature. Jha said the Maoists now firmly had the upper hand in the government and that the NSP-A did not want to agree to the one-lock system for Maoist weapons, but that they "had no other choice," as that was all that was presented to them.

¶6. (C) Kashinath Adhikari, Central Committee Member of the CPN-UML, told Emboff that the agreement was a product of long debate amongst the parties and was an "historic and good agreement." Adhikari said that the arms management issue depends entirely on trust, but that he was confident the Maoists would live up to their side of the bargain. Chakra Prasad Bastola, Central Committee Member of the Nepali Congress (NC), stated that the agreement was positive for the country, even though it failed to address some issues, such as the Maoist militia. Bastola said that the other issues would be dealt with in the days to come (peace accord, etc.).

## Human Rights Groups Also Disagree

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17. (C) Subodh Pyakurel, President of the Informal Sector Service Center (INSEC), told Emboff that it was a mistake for the GON to sign an agreement with the Maoists without first signing a peace accord incorporating human rights and monitoring agreements. Pyakurel said that the GON and the SPA had "completely surrendered to the Maoists." Pyakurel worried that with 73 seats for the Maoists and 48 for other civil society groups in the new legislature that might be supportive of the Maoists, the Maoists would now have a majority in the new house. He also worried that Maoist militia might still cause problems in the countryside. Pyakurel expressed concern that the fear in the country would not be reduced by the signing of the agreement.

18. (C) Devendra Raj Pandey, Civil Society Leader, stated that the agreement was historical and came about after heavy negotiations by all the parties. He said that the agreement opened the way for a republican state and expressed hope that restructuring of the state could now take place. He believed that the Maoists would stop their intimidation and violence now, and that peace and human rights accords would be signed soon.

### Comment

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19. (C) It is troubling that many of the political and human rights leaders in the country feel like the agreement will not do much to reduce the fear in the Nepali people. Maoist excesses continue, and nothing in the agreement seems to give any concrete mechanism for monitoring violations of this or any other agreement signed between the GON and the Maoists. It seems our concern that the agreement would "lack teeth" was well-founded. It appears the Maoists continue to have

the upper hand in negotiations and have rolled over the GON negotiating team yet again, negotiating a deal that puts them in a good position and allows them to continue using intimidation and violence as tools to get their way. We will need to work closely with the GON, Indians, and the UN in the coming days to do as much as possible to restrict as much as possible the Maoist freedom of action.

MORIARTY